IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5955 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NON-GAZETTED CLASS-III EMPLOY.ASSO OF SOCIAL WELFARE DEPTT

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5955 of 1991

MR HARIN P RAVAL for Petitioner No. 1-3

RULE SERVED for Respondent No. 1-3

CORAM : MR.JUSTICE A.L.DAVE

Date of decision: 10/07/2003

ORAL JUDGEMENT

Heard learned Advocate Mr. Harin Raval and learned AGP Mr. Abichandani, who is directed to appear

on behalf of the respondent State.

The petitioners are seeking following reliefs:-

(A) That this Hon'ble Court will be pleased to issue an appropriate writ, direction or order quashing and setting aside the resolution dated 3rd July, 1991, and circular dated 20th July, 1991, asking to exercise option by 31st August, 1991, as illegal, arbitrary and violative of Art. 14 of the Constitution of India;

(B) That this Hon'ble Court will be pleased to restrain the respondents from implementing the resolution dated 3rd July, 1991 and Circular dated 20th July, 1991, till and pending the hearing and final disposal of this petition;

An affidavit-in-reply is filed by Mr. D.G. Vasavada, Deputy Secretary, Social Welfare and Tribal Development Department wherein he has stated as under:-

"I submit that finalisation of the option given by the employee would be subject to result of those proceedings, and effect of the judgements would be given at the relevant time."

In light of this averment in the affidavit-in-reply, this Court while admitting this petition, refused to grant interim relief. However, following directions were given:-

"It is therefore directed that the finalisation of the option given by the employees as well as seniority list would be subject to the result of this petition as well as any other decision given by this Court in any other petition pending in this Court."

The above order was passed on 25.3.1992 (Coram: C.K.Thakkar, J.).

There is consensus that this petition can be disposed of with the following directions.

The respondent authorities will finalise the option given by the employees in light of the decision that may be rendered in any of the petition and/or appeal, on the subject in question. The petition stands disposed of accordingly. Rule is discharged with no order as to costs.

(A.L.Dave, J.)

*/Mohandas